

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

GARNER/MORRISON, LLC

and

Case 28-CA-021311

INTERNATIONAL UNION OF PAINTERS AND
ALLIED TRADES, DISTRICT COUNCIL #15,
LOCAL UNION #86, AFL-CIO-CLC

and

Case 28-CB-006585

SOUTHWEST REGIONAL COUNCIL OF
CARPENTERS

ORDER

Pursuant to a Consolidated Complaint that the Regional Director for Region 28 of the National Labor Relations Board issued on May 31, 2007, a hearing was conducted by Administrative Law Judge James M. Kennedy, who issued a Decision and Order. Thereafter, on January 27, 2009, the National Labor Relations Board, composed of two-members at the time, issued a Decision and Order Remanding in this matter, which is reported at 353 NLRB 719. Subsequently, the Respondents each filed a petition for review in the United States Court of Appeals for the District of Columbia Circuit, and the General Counsel filed a cross-application for enforcement. On June 17, 2010, the United States Supreme Court issued its decision in *New Process Steel, L.P. v. NLRB*, 130 S.Ct. 2635, holding that under Section 3(b) of the Act, in order to exercise the delegated authority of the Board, a delegatee group of at least three members must be maintained. Thereafter, the court of appeals remanded this case for further proceedings consistent with the Supreme Court's decision. On May 27, 2011, the National Labor Relations Board issued a Decision and Order Remanding in this matter, which is reported at 356 NLRB 1301. Thereafter, the Respondents filed petitions for review with the United States Court of Appeals for the District of Columbia Circuit, and the General Counsel filed a cross-application for enforcement. On June 21, 2016, the court granted the petitions for review, vacated the orders, and remanded the case to the Board. On August 27, 2018, the National Labor Relations Board issued its decision on remand in this proceeding. Thereafter, on September 26, 2018, the Board received Respondents' Application for Fees and Other Expenses pursuant to the Equal Access to Justice Act, Pub. L. 96-481, 94 Stat. 2325 and Section 102.143 through Section 102.155 of the Board's Rules and Regulations.

IT IS ORDERED, pursuant to Section 102.148(b)(1) of the Board's Rules and Regulations that the above-entitled matter be referred to Chief Administrative Law Judge Robert A. Giannasi for appropriate action.

Dated, Washington, D.C., October 1, 2018.

By direction of the Board:

/s/ Farah Z. Qureshi
Associate Executive Secretary